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PATENT APPLICATION *a.s.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of

Docket No: Q68400

Nahoko TAKANO, et al.

Appln. No.: 10/066,766

Group Art Unit: 2681

Confirmation No.: 5813

Examiner: Not assigned

Filed: February 06, 2002

For: BASE STATION TRANSMISSION CONTROL METHOD, CELLULAR SYSTEM AND BASE STATION

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. U.S. Patent No. 5,487,174, published January 23, 1996.
2. U.S. Patent No. 5,884,187, published March 16, 1999.
3. "3rd Generation Partnership Project; Technical Specification Group Radio Access Network; Physical Layer Procedures (FDD)", 2000, 3GPP TS 25.214 V3.5.0.
4. Japanese unexamined Patent Application Publication No. H11-308657, published November 5, 1999.
5. Japanese Unexamined Patent Application Publication No. H11-122654, published April 30, 1999.

One copy of each of the listed documents is submitted herewith, along with a copy of a European Search Report dated November 28, 2003, which cites references 1-3.

INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/066,766

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under § 1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a corresponding Japanese Office Action dated January 5, 2004 and an English translation of the pertinent portions thereof which cites references 4-5 and indicates the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

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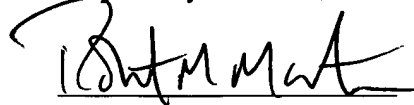
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23373

CUSTOMER NUMBER

Date: April 23, 2004

Respectfully submitted,



Robert M. Masters
Registration No. 35,603

Substitute for Form 1449 A & B/PTO

Complete if Known

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number	10/066,766 #4
Confirmation Number	5813
Filing Date	February 06, 2002
First Named Inventor	Nahoko TAKANO
Art Unit	2681
Examiner Name	Not assigned
Attorney Docket Number	Q68400

Sheet	1	of	1
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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US 5,487,174		01-23-1996	Persson
		US 5,884,187		03-16-1999	Ziv, et al

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		JP	H11-308657		11-05-1999		No
		JP	H11-122654		04-30-1999		No

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		"3rd Generation Partnership Project; Technical Specification Group Radio Access Network; Physical Layer Procedures (FDD)", 2000, 3GPP TS 25.214 V3.5.0.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to indicate here if English language Translation is attached.

Q68400

- Regarding Claims 1, 3, 10, 19, and 21

- Cited literature 1

- Remarks

It goes without saying that the portion “mobile station... wherein” of Claim 1 of the present application is well-known. Furthermore, in the rest of its constitution, which is that “the aforementioned base stations with which a link has been established, stop transmission of individual data signals when that station is designated as a non-transmitting base station, and determine the transmission of individual control signals according to the reception quality of the upstream line,” the language “determine... according to the reception quality” does not particularly limit how the determination is made, so it does not in any way differ from the language of, for instance, Claim 2 of Cited Literature 1.

The same holds for Claims 3, 10, 19 and 21 of the present application.

- Regarding Claims 5, 14 and 23

- Cited literature 2

- Remarks

It goes without saying that the portion “mobile station... wherein” of Claim 5 of the present application is well-known. Furthermore, in the rest of its constitution, which is that “the aforementioned base stations with which a link has been established each determines its own transmission according to an estimate of the movement speed of the aforementioned mobile station when the station in question has been designated as a non-transmitting station,” the language “determines” does not particularly limit how the determination is made, so there is no difference from the language of, for instance, Claim 9 of Cited Literature 2.

List of Cited Literature

1. Unexamined Patent Application Publication H11-308657
2. Unexamined Patent Application Publication H11-122654